

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

DEATH PENALTY PROCEDURES FOR CERTAIN AIR PIRACY CASES OCCURRING BEFORE ENACTMENT OF THE FEDERAL DEATH PENALTY ACT OF 1994

Pub. L. 109-177, title II, §211, Mar. 9, 2006, 120 Stat. 230, provided that:

“(a) IN GENERAL.—Section 60003 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322), is amended, as of the time of its enactment [Sept. 13, 1994], by adding at the end the following:

“(c) [Omitted, see below.]”

“(b) SEVERABILITY CLAUSE.—If any provision of section 60003(b)(2) of the Violent Crime and Law Enforcement Act of 1994 (Public Law 103-322) [repealed section 46503 of this title], or the application thereof to any person or any circumstance is held invalid, the remainder of such section and the application of such section to other persons or circumstances shall not be affected thereby.”

Pub. L. 103-322, title VI, §60003(c), as added by Pub. L. 109-177, title II, §211(a), Mar. 9, 2006, 120 Stat. 230, provided that:

“(c) DEATH PENALTY PROCEDURES FOR CERTAIN PREVIOUS AIRCRAFT PIRACY VIOLATIONS.—An individual convicted of violating section 46502 of title 49, United States Code, or its predecessor, may be sentenced to death in accordance with the procedures established in chapter 228 of title 18, United States Code, if for any offense committed before the enactment of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) [Sept. 13, 1994], but after the enactment of the Antihijacking Act of 1974 (Public Law 93-366) [Aug. 5, 1974], it is determined by the finder of fact, before consideration of the factors set forth in sections 3591(a)(2) and 3592(a) and (c) of title 18, United States Code, that one or more of the factors set forth in former section 46503(c)(2) of title 49, United States Code, or its predecessor, has been proven by the Government to exist, beyond a reasonable doubt, and that none of the factors set forth in former section 46503(c)(1) of title 49, United States Code, or its predecessor, has been proven by the defendant to exist, by a preponderance of the information. The meaning of the term ‘especially heinous, cruel, or depraved’, as used in the factor set forth in former section 46503(c)(2)(B)(iv) of title 49, United States Code, or its predecessor, shall be narrowed by adding the limiting language ‘in that it involved torture or serious physical abuse to the victim’, and shall be construed as when that term is used in section 3592(c)(6) of title 18, United States Code.”

AIRCRAFT PIRACY

The United States is a party to the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague, Dec. 16, 1970, entered into force as to the United States, Oct. 14, 1971, 22 UST 1641.

§ 46503. Interference with security screening personnel

An individual in an area within a commercial service airport in the United States who, by assaulting a Federal, airport, or air carrier employee who has security duties within the airport, interferes with the performance of the duties of the employee or lessens the ability of the employee to perform those duties, shall be fined under title 18, imprisoned for not more than 10 years, or both. If the individual used a dangerous weapon in committing the assault or interference, the individual may be imprisoned for any term of years or life imprisonment.

(Added Pub. L. 107-71, title I, §114(a), Nov. 19, 2001, 115 Stat. 623.)

PRIOR PROVISIONS

A prior section 46503, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1242, provided for death penalty sentencing procedure for individuals convicted of aircraft piracy, prior to repeal by Pub. L. 103-322, title VI, §60003(b)(2), Sept. 13, 1994, 108 Stat. 1970.

§ 46504. Interference with flight crew members and attendants

An individual on an aircraft in the special aircraft jurisdiction of the United States who, by assaulting or intimidating a flight crew member or flight attendant of the aircraft, interferes with the performance of the duties of the member or attendant or lessens the ability of the member or attendant to perform those duties, or attempts or conspires to do such an act, shall be fined under title 18, imprisoned for not more than 20 years, or both. However, if a dangerous weapon is used in assaulting or intimidating the member or attendant, the individual shall be imprisoned for any term of years or for life.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1244; Pub. L. 107-56, title VIII, §811(i), Oct. 26, 2001, 115 Stat. 382.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46504	49 App.:1472(j).	Aug. 23, 1958, Pub. L. 85-726, 72 Stat. 731, §902(j); added Sept. 5, 1961, Pub. L. 87-197, §1, 75 Stat. 466; Oct. 14, 1970, Pub. L. 91-449, §1(3), 84 Stat. 921.

The words “or threatens” are omitted as being included in “intimidating”. The words “(including any steward or stewardess)” are omitted as being included in “attendant”. The words “fined under title 18” are substituted for “fined not more than \$10,000” for consistency with title 18. The words “deadly or” are omitted as surplus.

AMENDMENTS

2001—Pub. L. 107-56 inserted “or attempts or conspires to do such an act,” before “shall be fined under title 18.”

§ 46505. Carrying a weapon or explosive on an aircraft

(a) DEFINITION.—In this section, “loaded firearm” means a starter gun or a weapon designed or converted to expel a projectile through an explosive, that has a cartridge, a detonator, or powder in the chamber, magazine, cylinder, or clip.

(b) GENERAL CRIMINAL PENALTY.—An individual shall be fined under title 18, imprisoned for not more than 10 years, or both, if the individual—

(1) when on, or attempting to get on, an aircraft in, or intended for operation in, air transportation or intrastate air transportation, has on or about the individual or the property of the individual a concealed dangerous weapon that is or would be accessible to the individual in flight;

(2) has placed, attempted to place, or attempted to have placed a loaded firearm on that aircraft in property not accessible to passengers in flight; or

(3) has on or about the individual, or has placed, attempted to place, or attempted to

have placed on that aircraft, an explosive or incendiary device.

(c) **CRIMINAL PENALTY INVOLVING DISREGARD FOR HUMAN LIFE.**—An individual who willfully and without regard for the safety of human life, or with reckless disregard for the safety of human life, violates subsection (b) of this section, shall be fined under title 18, imprisoned for not more than 20 years, or both, and, if death results to any person, shall be imprisoned for any term of years or for life.

(d) **NONAPPLICATION.**—Subsection (b)(1) of this section does not apply to—

(1) a law enforcement officer of a State or political subdivision of a State, or an officer or employee of the United States Government, authorized to carry arms in an official capacity;

(2) another individual the Administrator of the Federal Aviation Administration or the Under Secretary of Transportation for Security by regulation authorizes to carry a dangerous weapon in air transportation or intrastate air transportation; or

(3) an individual transporting a weapon (except a loaded firearm) in baggage not accessible to a passenger in flight if the air carrier was informed of the presence of the weapon.

(e) **CONSPIRACY.**—If two or more persons conspire to violate subsection (b) or (c), and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in such subsection.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1244; Pub. L. 104–132, title VII, §705(b), Apr. 24, 1996, 110 Stat. 1295; Pub. L. 107–56, title VIII, §§810(g), 811(j), Oct. 26, 2001, 115 Stat. 381, 382; Pub. L. 107–71, title I, §140(d)(8), Nov. 19, 2001, 115 Stat. 642.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46505(a)	49 App.:1472(l)(4).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §902(b)(4); added Feb. 18, 1980, Pub. L. 96–193, §502(c), 94 Stat. 59.
46505(b)	49 App.:1472(l)(1).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §902(b)(1); added Sept. 5, 1961, Pub. L. 87–197, §1, 75 Stat. 466; Aug. 5, 1974, Pub. L. 93–366, §203, 88 Stat. 417; restated Feb. 18, 1980, Pub. L. 96–193, §502(a), 94 Stat. 59; Oct. 12, 1984, Pub. L. 98–473, §2014(c)(1), 98 Stat. 2189.
46505(c)	49 App.:1472(l)(2).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §902(b)(2); added Sept. 5, 1961, Pub. L. 87–197, §1, 75 Stat. 466; restated Aug. 5, 1974, Pub. L. 93–366, §203, 88 Stat. 418; Oct. 12, 1984, Pub. L. 98–473, §2014(c)(2), 98 Stat. 2189.
46505(d)	49 App.:1472(l)(3).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §902(b)(3); added Sept. 5, 1961, Pub. L. 87–197, §1, 75 Stat. 466; restated Aug. 5, 1974, Pub. L. 93–366, §203, 88 Stat. 418; Feb. 18, 1980, Pub. L. 96–193, §502(b), 94 Stat. 59.

In subsection (a), the definition of “firearm” is merged with the definition of “loaded firearm” because the term “firearm” is only used in the defined term “loaded firearm”.

In subsections (b) and (c), the words “fined under title 18” are substituted for “fined not more than \$10,000” and “fined not more than \$25,000” for consistency with title 18.

In subsections (b)(1) and (d)(2), the words “deadly or” are omitted as surplus.

In subsection (b)(2), the words “baggage or other” are omitted as surplus.

In subsection (b)(3), the words “bomb or similar” are omitted as surplus.

In subsection (d)(1), the words “State or political subdivision of a State” are substituted for “municipal or State government” for consistency in the revised title and with other titles of the United States Code. The words “or required” are omitted as surplus.

In subsection (d)(3), the word “contained” is omitted as surplus.

AMENDMENTS

2001—Subsec. (c). Pub. L. 107–56, §810(g), substituted “20 years, or both, and, if death results to any person, shall be imprisoned for any term of years or for life.” for “15 years, or both.”

Subsec. (d)(2). Pub. L. 107–71, §140(d)(8), inserted “or the Under Secretary of Transportation for Security” after “Federal Aviation Administration”.

Subsec. (e). Pub. L. 107–56, §811(j), added subsec. (e).

1996—Subsec. (b). Pub. L. 104–132, §705(b)(1), substituted “10 years” for “one year”.

Subsec. (c). Pub. L. 104–132, §705(b)(2), substituted “15 years” for “5 years”.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Transportation Security Administration of the Department of Transportation, including the functions of the Secretary of Transportation, and of the Under Secretary of Transportation for Security, relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(2), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 46506. Application of certain criminal laws to acts on aircraft

An individual on an aircraft in the special aircraft jurisdiction of the United States who commits an act that—

(1) if committed in the special maritime and territorial jurisdiction of the United States (as defined in section 7 of title 18) would violate section 113, 114, 661, 662, 1111, 1112, 1113, or 2111 or chapter 109A of title 18, shall be fined under title 18, imprisoned under that section or chapter, or both; or

(2) if committed in the District of Columbia would violate section 9 of the Act of July 29, 1892 (D.C. Code §22-1112), shall be fined under title 18, imprisoned under section 9 of the Act, or both.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1245.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
46506	49 App.:1472(k).	Aug. 23, 1958, Pub. L. 85–726, 72 Stat. 731, §902(k); added Sept. 5, 1961, Pub. L. 87–197, §1, 75 Stat. 466; Oct. 14, 1970, Pub. L. 91–449, §1(3), 84 Stat. 921; Nov. 10, 1986, Pub. L. 99–646, §87(d)(8), 100 Stat. 3624; Nov. 14, 1986, Pub. L. 99–654, §3(b)(8), 100 Stat. 3664.